UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:12-CV-00969-JST (JPRx)   Date: July 16, 2012

Title: Steve Adams v. United of Omaha Life Insurance Company, et. al

Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Ellen Matheson	N/A
Deputy Clerk	Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present   Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE REMANDED FOR LACK OF
SUBJECT MATTER JURISDICTION**

This action was removed to federal court on June 15, 2012, on the basis of diversity jurisdiction under 28 U.S.C. § 1332. However, it appears that removal may be improper because the Court may lack subject matter jurisdiction. Defendant United of Omaha Life Insurance Company ("United of Omaha") states that Defendant Debra DeMarie ("DeMarie") resided in Arizona at all relevant times, and joined in the notice of removal. (Notice of Removal ¶¶ 6, 8, Doc. 1.) To support DeMarie's Arizona citizenship, United of Omaha cites Plaintiff's Complaint, which states that Plaintiff mailed a document to DeMarie at an Arizona address, and United of Omaha's own exhibits showing (1) a business card reflecting that DeMarie may be reached at a physical address in Arizona; and (2) DeMarie's ownership of real property in Arizona. (*Id*. ¶ 6.) Given that DeMarie purportedly joined in the removal, this circumstantial evidence of her citizenship is somewhat curious. Under these circumstances, the Court would expect United of Omaha to provide the state of DeMarie's domicile. *See Munoz v. Small Bus. Admin.*, 644 F.2d 1361, 1365 (9th Cir. 1981) ("Individuals are citizens of their state of domicile.").

Accordingly, the Court orders defendants to show cause in writing no later than **July 23, 2012**, why this action should not be remanded for the reasons noted above. Failure of defendants to respond by the above date will result in the Court remanding this action to state court.

Initials of Preparer: enm